

### **REMARKS**

The issues outstanding in the Office Action mailed May 12, 2009, are the objections to the claims and the rejections under 35 U.S.C. 112, 102 and 103. Reconsideration of these issues, in view of the following discussion, is respectfully requested.

#### **Claim Objections**

The Examiner is thanked for noting inconsistencies in antecedent basis in claim 1. The claim has been amended in accordance with the helpful suggestions, and withdrawal of the objection is respectfully requested.

#### **Rejection Under 35 U.S.C. 112**

Claim 1 has been rejected as a result of the lack of antecedent basis for one recitation in the claim. As noted above, the claim has been amended in order to provide antecedent basis, and withdrawal of this rejection is respectfully requested.

#### **Rejection Under 35 U.S.C. 102**

Claim 1-6 and 8-15 remain rejected under 35 U.S.C. 102(b) over Yamaguchi '109. Reconsideration of this rejection is again respectfully requested.

As admitted at page 4 of the Office Action of November 19, 2008, Yamaguchi fails to disclose a modulation medium operating in blue phase. Indeed, on this basis former claim 7, which recited operation of the modulation medium in blue phase, was not subject to an anticipation rejection over Yamaguchi. The present claims, in which claim 1 recites operation in blue phase, accordingly should also not be rejected. It is noted that this argument was advanced in the Request for Continuing Examination, but has not been commented upon in the present Office Action. It is submitted that the rejection under 35 U.S.C. 102 cannot be maintained, inasmuch as Yamaguchi does not disclose all of the elements of the present claims. Withdrawal thereof is accordingly respectfully requested.

**Rejection Under 35 U.S.C. 103**

Claim 9 has been rejected under 35 U.S.C. 103 over Yamaguchi taken with Noguchi '849. Reconsideration of this rejection is also respectfully requested. Noguchi is cited for the disclosure of an active matrix. However, Noguchi also does not teach operation of the modulation medium in a blue phase at the operating temperature of the light modulation element. Accordingly, it is submitted that the combination of references does not suggest the present claims, and withdrawal of this rejection is also respectfully requested.

The application is again submitted to be in condition for allowance. However, should the Examiner have any questions or comments, he or she is cordially invited to telephone the undersigned at the number below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/Harry B. Shubin/

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Harry B. Shubin, Reg. No. 32,004  
Attorney/Agent for Applicant(s)

MILLEN, WHITE, ZELANO  
& BRANIGAN, P.C.  
Arlington Courthouse Plaza 1, Suite 1400  
2200 Clarendon Boulevard  
Arlington, Virginia 22201  
Telephone: (703) 243-6333  
Facsimile: (703) 243-6410

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